



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JAN 12 2017

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

Mr. Eric W. Gerstenberg  
Chief Operating Officer  
Clean Harbors, Inc.  
42 Longwater Drive  
Norwell, MA 02061-9149

RE: Request for Information Pursuant to Section 3007 of RCRA for  
Identified Safety-Kleen Facilities

Dear Mr. Gerstenberg:

Enclosed is an Information Request issued to Clean Harbors, Inc., related to the Safety-Kleen facilities on the list of Identified Facilities provided as an enclosure to this Request (Enclosure C). This Request is being made pursuant to the authority set forth in Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6927. Pursuant to this authority, the United States Environmental Protection Agency, may require persons with information relevant to the generation, storage, treatment, transportation, disposal, and/or other handling of hazardous wastes to submit information to the EPA to determine compliance with RCRA.

Please respond to this Request within thirty (30) calendar days of receipt of this Request. Compliance with this Request is mandatory. Please note that we are asking that your response be sent to different recipients depending on the identified facilities listed on Enclosure C. Failure to respond fully and truthfully to the Request or to adequately justify such failure to respond may result in enforcement action by the EPA pursuant to Section 3008(a) of RCRA. This Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501, *et seq.*



Your response to this Request should be sent to the specific points of contact listed on the attachment to the enclosed Request that relate to the specific facilities.

Please direct any questions to me. I am with the Waste and Chemical Enforcement Division in the Office of Civil Enforcement and can be reached at (202) 564-4075 and [raack.pete@epa.gov](mailto:raack.pete@epa.gov).

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Peter Raack".

Peter Raack  
Attorney/Advisor  
U.S. EPA

Enclosures



## ENCLOSURE A

### INFORMATION REQUEST

The Environmental Protection Agency is investigating compliance with the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6921 - 699k. Pursuant to Section 3007 of RCRA, you are hereby required to follow the instructions and provide responses to the questions in this Information Request (Request). You are required to submit the requested information to the EPA within thirty (30) calendar days of receipt of this Request. If you anticipate that you will be unable to fully respond to this Request within thirty (30) calendar days, you must submit a sworn affidavit or declaration by a responsible corporate official within twenty (20) calendar days of receipt of this Request specifying what information will be provided within the specified thirty (30) calendar day time period, describing what efforts have been or are being made to obtain other responsive information, and providing a detailed schedule of when such other responsive information will be provided. Upon receipt and based on such affidavit or declaration, the EPA may extend the time in which Clean Harbors Inc. must provide the responsive information. Furthermore, the EPA retains its right to obtain additional information beyond what is sought in this Request.

All information submitted in response to this Request must be certified as true, accurate, and complete by an individual with sufficient knowledge and authority to make such representations on behalf of Clean Harbors Inc. A Statement of Certification making such representations is provided as **Enclosure B**. A submittal of knowingly false information in response to this Request may be actionable under 18 U.S.C. § 1001 and 42 U.S.C. § 6928(d). Furthermore, failure to fully comply with this Request may subject Clean Harbors Inc. to an enforcement action under Section 3008(a) of RCRA.

In accordance with Section 3007(b) of RCRA, the records, reports, and information requested in this Request must be submitted, whether or not





you regard part or all of it as a trade secret or confidential. You may assert a business confidentiality claim submitted in accordance with 40 C.F.R. Part 2 for all or part of the information. The information qualifying as business confidential will be disclosed by the EPA only to the extent and by the procedures set forth in 40 C.F.R. Part 2, Subpart B. Unless you make a claim at the time that you submit the information, it may be made available to the public by the EPA without further notice to you.

## **I. INSTRUCTIONS**

- a. The enclosed Statement of Certification (**Enclosure B**) must be filled out and signed by a responsible corporate official and submitted along with your responses to this Request.
- b. If information or documents not known or not available to you as of the date of submission of a response to this Request should later become known or available to you, you must supplement your response to the EPA. Moreover, should you find, at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response. There are significant penalties for submitting false information, including the possibility of fine or imprisonment.
- c. On each piece of information produced in response to this Request, indicate the number of the question to which it responds. Please submit all information for each question and each facility in one logically sequenced electronic format.
- d. If you wish to assert a claim of business confidentiality, you must clearly mark each page of each document included in your claim with a legend such as "trade secret," "proprietary," or "company confidential." If you claim information submitted in response to this Request as confidential, you must also provide a redacted version of the information

with all confidential business information deleted. For any document in which you assert a claim of business confidentiality, please answer the following questions:

1. What specific portions of the information are alleged to be entitled to confidential treatment? Specify by page, paragraph, and sentence when identifying the information subject to your claim.
2. For what period of time do you request that the information be maintained as confidential, i.e., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specified event will eliminate the need for confidentiality, specify that event. Additionally, explain why the information should be protected for the time period you've specified.
3. What measures have you taken to protect the information claimed as confidential from undesired disclosure? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If yes, why is the information still considered confidential?
4. Is the information contained in any publicly accessible forums or materials such as the Internet, databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity whether disclosure of the information is likely to result in substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors use this information to your detriment?
7. Is there any other explanation you deem relevant to the EPA's determination of your business confidentiality claim that is not covered in the preceding questions? If so, you may provide such additional



explanation.

You must furnish answers to the above questions concurrent with your response to this Request if you have claimed any information as business confidential. See 40 C.F.R. § 2.204(e)(2). Pursuant to 40 C.F.R. § 2.205(b)(2), you may request an extension of this deadline. The EPA will construe your failure to furnish timely answers as a waiver of your confidentiality claim, consistent with 40 C.F.R. § 2.204(e)(1).

## **II. DEFINITIONS**

The following definitions shall apply to the following words as they appear in this **Enclosure A**:

a. The terms "document", "documents" and "information" shall mean any object that records, stores, or presents information, both electronic and tangible, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations, including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any hard drive, flash drive, CD, DVD, or other type of memory generally associated with computers and data processing (together with the programming instructions and other written materials necessary to use such hard drive, flash drive, CD, DVD, or other type of memory); and (a) every copy of each document that is not an exact duplicate of a document that is produced, (b) every copy that has any writing, figure or notation,

annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document, and (e) every document referred to in any other document.

b. The term "Clean Harbors, Inc." includes any officer, director, agent, or employee of Clean Harbors, Inc. including any merged, consolidated, or acquired predecessor or parent, subsidiary, division, or affiliate thereof.

c. The term "identified facilities" means the Safety-Kleen facilities listed on **Enclosure C**.

d. The term "identify" or "identification" means, when used in reference to a natural person, to provide his or her name, present or last known address, present or last known employment position or affiliation, and positions or affiliations during the time period covered by this Request.

e. All terms used in the Request will have their ordinary meaning unless such terms are defined in RCRA, 40 C.F.R. §§ 260 - 280, and the federally-authorized applicable state hazardous waste program.

f. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Request, any information that might otherwise be construed to be outside its scope.

g. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.

### **III. INFORMATION REQUESTED**

a. Identify the person(s) providing this information on behalf of Clean Harbors, Inc.

b. Provide the following information related to hazardous waste received at the IDENTIFIED FACILITIES for the last five (5) years including the years 2012-2016.<sup>1</sup> Provide this electronic data in a searchable and editable electronic format (e.g., spreadsheet, Excel file). This information may be provided on a USB drive or CD, and labelled sequentially, as applicable.

1. Shipping document information (manifest number or bill of lading number);
2. Name of the generating facility;
3. Address of the generating facility;
4. Date shipped from the generating facility;
5. EPA identification number of the generating facility;
6. EPA identification number of the receiving facility (Safety-Kleen facility);
7. Waste quantity;
8. Units of measure (i.e., pounds, kilograms, tons);
9. EPA hazardous waste codes;
10. State hazardous waste codes (if applicable);
11. DOT shipping description;
12. Treatment method.

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<sup>1</sup> Note: for the Denton, TX facility, this request is only for 2014 to 2016 information.



**ENCLOSURE B**

STATEMENT OF CERTIFICATION OF RESPONSES

I certify under penalty of law that I have personally examined and am familiar with the information submitted in response to EPA's Information Request, that the submitted information is true, accurate, and complete and that all documents submitted herewith are complete and authentic, unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am authorized to respond to this information request on behalf of Clean Harbors, Inc., and I certify under penalty of perjury that the foregoing is true and correct.

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Name (print or type)

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Signature

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Date

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Title



## ENCLOSURE C

Person to whom the information should be sent	IDENTIFIED FACILITIES
<p>Christopher Smith, Environmental Scientist EPA New England, Region I RCRA, EPCRA and Federal Facilities Program Unit 5 Post Office Square. Suite 100 Mail Code: OES05-4 Boston, MA 02109- 3912</p>	<ul style="list-style-type: none"><li>• SK WEST BROOKFIELD MA</li></ul>
<p>Derval Thomas Hazardous Waste Compliance Section\ RCRA Compliance Branch</p>	<ul style="list-style-type: none"><li>• SK SOUTH PLAINFIELD NJ</li><li>• SK SOUTHHAMPTON TWP. NJ</li><li>• SK LINDEN NJ</li><li>• SK SYRACUSE NY</li><li>• SK AVON NY</li></ul>

<p>Division of Enforcement and Compliance Assurance US EPA – Region 2 290 Broadway, 21<sup>st</sup> Floor New York, New York 10007-1866</p>	<ul style="list-style-type: none"> <li>• SK LACKAWANNA NY</li> <li>• SK COHOES NY</li> </ul>
<p>Alan A. Annicella, Acting Section Chief The US EPA - Region 4 - Sam Nunn Atlanta Federal Center RCR Division - 10th Floor – Hazardous Waste Enforcement and Compliance Section 61 Forsyth St, SW Atlanta, Georgia 30303</p>	<ul style="list-style-type: none"> <li>• SK RALEIGH NC</li> <li>• SK CHARLOTTE NC</li> <li>• SK MACON GA</li> <li>• SK GARDEN CITY GA</li> <li>• SK JACKSON MS</li> <li>• SK SAINT PAULS NC</li> <li>• SK LEXINGTON SC</li> <li>• SK HIGH POINT NC</li> <li>• SK BOYNTON BEACH FL</li> <li>• SK GREER SC</li> <li>• SK SMITHFIELD KY</li> <li>• SK KNOXVILLE TN</li> <li>• SK LEXINGTON KY</li> <li>• SK MEDLEY FL</li> <li>• SK MILLINGTON TN</li> <li>• SK MORROW GA</li> <li>• SK NASHVILLE TN</li> <li>• SK NORCROSS GA</li> </ul>

	<ul style="list-style-type: none"> <li>• SK ORANGE PARK FL</li> <li>• SK SANFORD FL</li> <li>• SK TALLAHASSEE FL</li> <li>• SK TAMPA FL</li> </ul>
Brian Kennedy U.S. EPA Region 5 77 W. Jackson Blvd. (LR-8J) Chicago, Illinois 60604	<ul style="list-style-type: none"> <li>• SK DOLTON IL</li> <li>• SK ELGIN IL</li> <li>• SK URBANA IL</li> </ul>
Jeffery Yurk USEPA Region 6 1445 Ross Ave Enforcement Division (Mail code 6EN) Dallas, TX 75202	<ul style="list-style-type: none"> <li>• SAFETY KLEEN SYSTEMS IRVING TX</li> <li>• SAFETY-KLEEN CORP SAN ANTONIO TX</li> <li>• SAFETY-KLEEN SYSTEMS PASADENA TX</li> <li>• SAFETY-KLEEN SYSTEMS MCALLEN TX</li> <li>• SAFETY-KLEEN SYSTEMS (612401) OKLAHOMA CITY OK</li> <li>• SAFETY-KLEEN SYSTEMS (700801) ALBUQUERQUE NM</li> </ul>

	<ul style="list-style-type: none"> <li>• SAFETY-KLEEN SYSTEMS (700804)</li> </ul>	FARMINGTON	NM
	<ul style="list-style-type: none"> <li>• SAFETY-KLEEN SYSTEMS ABILENE (ABI)</li> </ul>	ABILENE	TX
	<ul style="list-style-type: none"> <li>• SAFETY-KLEEN SYSTEMS CORPUS CHRISTI</li> </ul>	CORPUS CHRISTI	TX
	<ul style="list-style-type: none"> <li>• SAFETY-KLEEN SYSTEMS DENTON RECYCLE CENTER <i>(Only requesting 2014 to 2016 information for this facility)</i></li> </ul>	DENTON	TX
	<ul style="list-style-type: none"> <li>• SAFETY-KLEEN SYSTEMS</li> </ul>	HALTOM CITY	TX
	<ul style="list-style-type: none"> <li>• SAFETY-KLEEN SYSTEMS LONGVIEW (LTX)</li> </ul>	LONGVIEW	TX
	<ul style="list-style-type: none"> <li>• SAFETY-KLEEN SYSTEMS MIDLAND (MID)</li> </ul>	MIDLAND	TX
	<ul style="list-style-type: none"> <li>• SAFETY-KLEEN SYSTEMS</li> </ul>	MISSOURI CITY	TX



	<p>MISSOURI CITY (MIS)</p> <ul style="list-style-type: none"> <li>• SAFETY-KLEEN SYSTEMS SAN ANTONIO (SAB)      SAN ANTONIO      TX</li> <li>• SAFETY-KLEEN SYSTEMS WACO (WAC)      WACO      TX</li> <li>• SAFETY-KLEEN SYSTEMS      TULSA      OK</li> </ul>
<p>Elizabeth Koesterer Waste Enforcement and Materials Management Branch Air and Waste Management Division US EPA Region 7 11201 Renner Blvd Lenexa, KS 66219</p>	<ul style="list-style-type: none"> <li>• SK DES MOINES IOWA</li> <li>• SK DAVENPORT IOWA</li> <li>• SK MASON CITY IOWA</li> <li>• SK DODGE CITY (S. HWY 283 LOCATION AND E. TRAIL ST. LOCATION) KS</li> <li>• SK WICHITA KS</li> <li>• SK COLUMBIA MO</li> <li>• SK INDEPENDENCE MO</li> <li>• SK SPRINGFIELD MO</li> <li>• SK SAINT CHARLES MO</li> <li>• SK CAPE GIRARDEAU MO</li> <li>• SK OMAHA NE</li> <li>• SK GRAND ISLAND NE</li> </ul>

	<ul style="list-style-type: none"> <li>• SK CRANSTON, RI</li> <li>• SK SIOUX FALLS, SD</li> <li>• SK ENGLEWOOD, CO</li> </ul>
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